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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

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14 UNITED STATES OF AMERICA, ) No. Cr. S 95-89 LKK  
15 Plaintiff, )  
16 v. ) **STIPULATION TO REDUCE SENTENCE**  
17 ) **PURSUANT TO 18 U.S.C. § 3582(c)(2)**  
18 ) **and ORDER**  
19 BILLY JOHNSON, )  
20 Defendant. ) **RETROACTIVE CRACK COCAINE REDUCTION**  
21 ) **CASE**  
22 ) Date: June 3, 2008  
23 ) Time: 9:30 a.m.  
24 ) Judge: Hon. LAWRENCE K. KARLTON

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26 Defendant, BILLY JOHNSON, by and through his attorney, Assistant  
27 Federal Defender David M. Porter, and plaintiff, UNITED STATES OF  
28 AMERICA, by and through its counsel, Assistant U.S. Attorney SAMANTHA  
S. SPANGLER, hereby stipulate as follows:

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30 1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the  
31 term of imprisonment in the case of a defendant who has been sentenced  
32 to a term of imprisonment based on a sentencing range that has  
33 subsequently been lowered by the Sentencing Commission pursuant to 28  
34 U.S.C. § 994(o);

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36 2. The sentencing range applicable to Mr. Johnson was  
37 subsequently lowered by the United States Sentencing Commission in  
38 Amendment 706 by two levels;

3. Accordingly, the base offense level for count one is lowered from 32 to 30, and after the two-level reduction for acceptance of responsibility, the total offense level is 28, and a sentence for count one at the low end of the new guideline range would be 140 months;

4. Mr. Johnson merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a);

5. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Johnson's term of imprisonment to an aggregate term of 200 months on all counts, comprised of a term of 140 months on count one, a term of 120 months on count three, to run concurrent to count one, and 60 months on count two to run consecutive to counts one and three to the extent necessary to produce a total term of 200 months.

Dated: May 6, 2008

Respectfully submitted,

McGREGOR SCOTT  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

/s/ *Samantha S. Spangler*  
SAMANTHA S. SPANGLER  
Assistant U.S. Attorney

Attorney for Plaintiff  
UNITED STATES OF AMERICA

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Attorney for Movant  
**BILLY JOHNSON**

## ORDER

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) filed on April 16, 2008. The motion was set for hearing on June 3, 2008, but because the parties have stipulated to the resolution, the matter is taken off calendar.

The parties agree, and the Court finds, that Mr. Johnson is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable base offense level from 32 to 30. After the two-level reduction for acceptance of responsibility, the total offense level is 28, and a sentence for count one at the low end of the new guideline range would be 140 months.

IT IS HEREBY ORDERED that the term of imprisonment originally imposed is reduced to 200 months, comprised as follows: a term of 140 months on count one, a term of 120 months on count three, to run concurrent to count one, and 60 months on count two to run consecutive to counts one and three to the extent necessary to produce a total term of 200 months;

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect.

Unless otherwise ordered, Mr. Johnson shall report to the United States Probation office closest to the release destination within seventy-two hours after his release.

Dated: May 8, 2008

Lawrence K. Carlton  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT